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THE
CREDITOR'S Advocate,
AND
DEBTOR'S Friend.

SHEWING

How the Effects of the DEBTOR are
spent in Law, and other Charges, that may
be saved for the Creditor, in like manner
as is practiced in *Holland*.

SETTING FORTH

The Inconveniency the DEBTOR
lies under, as the Laws now subsist, in sur-
rendering up his Effects to one Creditor only,
in prejudice to the rest, without gaining
his Liberty, if confined, which induces
many to go to foreign Parts with their Ef-
fects, and set up the Woollen and other
Manufacturies Abroad, to the great Preju-
dice of this Nation.

AS ALSO

Setting forth the Inconsistency of
the Escape Warrant Act, high Fees taken
from poor Prisoners by the Courts of Justice
and the Officers thereof; and the Inconve-
niency of not taking Bail in the Judges
Chamber out of Term as well as in Term;
and the great expence of a *Habeas Corpus*,
by Fees taken in the Inferior Courts, &c.

By Mr. PHILIPS.

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*Some Observations for the good
of the Publick in general, in
respect to DEBTORS and
CREDITORS; with some
Proposals for amendment of the
Acts of Parliament relating
thereto.*



AMONG the various Turns
of Fortune and Chances of
this Life, the unhappy
Debtors labour under the
greatest Difficulties, and
meets with the fewest Advo-
cates to plead their Cause,
when Riches take Wing and fly away, the
Scene of all friendly Society changes; They
are robbed and spoiled; they are all of them
snared in Holes, and they are hid in Prison-
houses; they are for a Prey, and none deli-
vereth; and for a Spoil, and none saith re-
store.

flor. When Losses and other Casualties affect the Mind of the Debtor, he becomes deprived of his Reason, neglects his Affairs, and thereby plunges himself deeper and deeper in Misery, by wasting the Remains of his Substance in Bribes and Expences, to keep himself out of Prison as long as he can, without regard to the much heavier Charge of the Law, which must all be paid out of the Substance of the Creditor; for the more the Debtor is harassed and oppressed, the greater is the expence, and the less remains to make Satisfaction to the Creditor, which is not carried to this height of Cost, but when the Debtor forsakes all Rules of Christianity and Prudence, refusing to comply to such a Composition as is then in his Power to pay or secure to the Creditor.

SOMETIMES indeed Men in Trade or otherways, will put off the evil Day of disgracing themselves and Family, in offering to make a Composition, in hopes of some favourable Opportunity of retrieving their Fortune; for its natural for Men of the very least Honour, and such as are not possessed of the strictest Virtue, even out of Pride, to avoid doing any thing that may appear to the World a blot on their Reputation, which not only affect them but their Childrens Children.

It is true, there are some other Men who regard no Reputation, who have no sense of Honour or Religion, and would run in Debt where they can artfully gain Credit,
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without considering how they shall discharge the same.

BUT should the Practice of a few, or the Indiscretion of such as trust them, make the fair and honest Traders suffer, when unforeseen Accidents, decay of Trade, and repeated Losses, frustrate their Endeavours for Support of themselves and perhaps a numerous Family, whose Care and Anxiety for their Welfare too often tempt them to trade beyond their Stocks, in hopes of obtaining something considerable for their better Subsistence and future Provision.

No Sum that is dug out of Mines bears any proportion with what may be made to arise from the whole Labour of trading and industrious People; therefore Lenity and Generosity to the unfortunate Sufferers, I presume is the greatest Advantage to the Nation. For Trade all manner of Ways occasions Consumption, bringing a resort of Strangers, and an increase of People to all Countries whatsoever, where it flourishes and is encouraged.

WHAT has made *Holland* increase in People and Wealth, but the prudent Measures the State takes to give encouragement to Trade, and interposing between Debtor or Creditor, where the unfortunate is reduced by Losses, or other Casualties; and a Composition is effected with so little trouble and expence to both Debtor and Creditor, that the Loss is the less, and is often so soon repaired

repaired by the unfortunate being re-instated, and thereby encouraged to Trade with new Life and Credit, experience teaching him to avoid the Rock he before split upon.

WHEREAS in this Nation a Traders small Substance under the least Misfortune, is eat up and wasted with expences in Law, which might as well be saved and divided amongst the Creditors. And in case all the Parties can't agree to settle Matters for a Composition at a Meeting of a majority of the Creditors, in proportion to Number and Value of the Debtor, to be at liberty to surrender his Effects to a Master in Chancery, (or some other proper Person) on Oath, by consent of the said majority of the Creditors. And then the Master in Chancery (or Persons authorized for that purpose) be empowered by Law to free the said Debtor, by a Licence from his Debts contracted to that time, and the said Master (or other Person authorized) with two of the principal Creditors, (at a small expence) to make the best of the Debtor's Effects at an easy expence, and out of the Produce make a fair Distribution among all the Creditors.

THIS Method would prevent great part of the Debtor's Substance being wasted in unnecessary Expences, and every Creditor would share alike, and gain something more than otherwise. For by the obstinacy of one or two Creditors, it often happens that the Debtor can't compleat his Composition without submitting to give more to one
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than to the rest, or fresh Security for future Payments, which often proves a clog and heavy load to his future Endeavours, to the great Discouragement of Trade in general.

It may be objected by some, that this Method may encourage frequent Bankruptcy, or be prejudicial to Credit; but upon due Consideration, it will appear quite the reverse, because, as I have already mentioned, its natural for Men, tho' of the least Honour and Virtue, even out of Pride, to avoid doing any thing that may appear to the World a blemish to their Character, which can never be retrieved without making good the Deficiency by a Composition.

AND if such unfortunate Persons have not Substance to pay all their Debts, is it not better for the Creditors to take what they can give? rather than force them to skulk from Place to Place, and spend the remains of their Substance in obscurity, or waste in Law, which they are forced to do by the Severity of one or two Creditors, who, in hopes of getting something more than the rest, will agree to no reasonable Terms, and so deprive the fair ungenerous Creditor from his proportion which might be considerable, were all the Creditors then to share alike in the just Distribution of the Debtor's Effects.

THE Act of Bankruptcy is attended with so great an Expence and Delay, that
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it often happens, tho' the Creditor pay Six-pence in the Pound, or more on the Debt he proves, that they do not receive so much back again, and all their Trouble lost; which might be prevented under the Direction before-mentioned.

MANY at present lie under the heavy Expence and Oppression of Creditors under a Commission of Bankruptcy, and the Debtor not relieved, nor the Creditor receive so much as might be obtained by a fair Composition; as is the present Case of the following Traders now under Confinement.

*The Case of Nathaniel Dickenson,
a Bankrupt, now a Prisoner in
the Fleet-Prison.*

January 29, 1729.

THE said Dickenson, about that time, was indebted to Philip Wilcox and Robert Dixon, for Goods sold in the Sum of 19 l. 18 s. of which the said Wilcox made Affidavit as of that date; and farther, that the said Dickenson was, as he believed, indebted to other Creditors in several hundred Pounds, and became a Bankrupt within the meaning of all, or some of the Statutes in that Case provided. The Affidavit is in *Hæc verba*, viz.
 " In Canc. Philip Wilcox, of Liverpool in the
 " County of Lancaster, Merchant, maketh
 " Oath, That Nathaniel Dickenson, of Wigan
 " in the said County, Chapman, now is and
 " standeth

“ standeth justly indebted to this Deponent,
 “ and *Robert Dixon* his Partner, in the Sum
 “ of 19 l. 18 s. for Goods sold and delivered;
 “ and believes he likewise stands indebted to
 “ other his Creditors in several hundred
 “ Pounds; and that he is become a Bankrupt
 “ within the compass and true meaning of all
 “ or some of the Statutes now in force against
 “ Bankrupts, as this Deponent very believes.

Philip Wilcox.

Wilcox and *Dixon* are Partners and Petitioners for the Commission of Bankruptcy against the said *Dickenson*, which was granted, and notice given in the *Gazette* of the 24th of *March*, 1729. for the Commissioners to meet on the 31st of *August*, and 7th of *April* following, and chuse Assignees; at which time the Commissioners did not meet, notwithstanding the said Advertisement. On the 11th of *April*, 1730. another Advertisement was published for meeting on the 20th and 21st of *April*, and for the Bankrupt to surrender; at which time the Commissioners did meet, and proceeded, and seized all the Bankrupt's real and personal Estate, and keep the same.

No other Creditor has come into the Statute, when the Bankrupt has several other Creditors, and oweth in all near 500 l. but not 100 l. to any one, or 150 l. to two, but he owes, as aforesaid, above 200 l. to three or more Creditors.

THAT at the time *Dickenson* was declared a Bankrupt, he was a Prisoner in the *Fleet* for Debt, at the Suit of *Benjamin Wilson*, a principal Creditor, and could not attend the Commissioners as required by the Advertisement, and still remains a Prisoner there on the same and no other Account, and has never been examined by the Commissioners touching any Discovery of his Effects.

THAT the Commissioners, or their Assignees under the Commission, keep the Bankrupt's Effects, both real and personal, to the amount of 700 *l.* and neglect to account for the same, or proceed in the said Commission. That the Bankrupt cannot make any Terms of Accommodation with his Creditors, but is obliged to lie starving here in Prison, being stripped of his all (above what will pay his Debts) by the said Commission, the Commissioners not proceeding therein from the 21st of *April* last to this time.

By the Statute of 13 *Eliz. c. 7.* every Dealer, in Merchandise, suffering himself to be imprisoned, is liable to be deem'd a Bankrupt, without limitation of Time or Sum, which is dangerous in Trade, and the very bane of Credit. This Case is a sufficient Instance, the Statute being for no more than 19 *l.* 18 *s.* and all he had to the value of upwards of 700 *l.* and no account yet given thereof, and the Bankrupt now lies starving in Prison, and has no support from his own Estates, which annually, besides his other Effects, are 55 *l.* per *Annum*, and upwards.

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*The Case of Thomas Oseland, a
Bankrupt, now a Prisoner in the
Fleet-Prison.*

THAT the said *Thomas Oseland* was declared a Bankrupt in *July, 1729.* and in obedience to notice given in the *London Gazette*, surrender'd himself, and made a full Discovery of all his Effects, Debts and Credits, for the advantage of his Creditors, without any manner of Fraud: The Commissioners proceeded according to the Statutes made concerning Bankrupts in the Reigns of *Queen Elizabeth* and *King James I.* and at their first sitting, the Creditors, in presence of the said Commissioners, to induce him to make an ample Discovery, faithfully promised the said Bankrupt should not be arrested, or in manner molested, going to or coming from the Commissioners. Notwithstanding which said Promise, so solemnly given to the Bankrupt, he was arrested as he was going from the Commissioners, to whom he had (upon the *Bona fide* of his Creditors) voluntarily surrender'd as aforesaid, altho' the arrest could be of no Advantage, but, on the contrary, to the manifest Detriment of the Creditors in general, as well as the unfortunate Bankrupt in particular, by imprisoning his Person, and preventing him giving the Creditors his assistance to gather in his Debts for them, of which the Bankrupt had made a full Discovery, and had delivered up his Books, and
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all his Effects, to a very considerable amount, and did not make the least Reserve for his own Sustainance; out of which several of the Bankrupt's Creditors have received their Dividends, and proportionable Shares, and yet have unjustly sued the unhappy Bankrupt for their whole Debts; and, in a cruel manner, detain him in Prison, without ever proving, or even pretending, that he had not fully conformed to the Statutes concerning Bankrupts, now in force.

So that without the great Clemency of the Legislators, the poor Bankrupt, and all others under his unhappy Circumstances, must inevitably perish in a Prison.

In order to preserve Credit, I presume the best Way is to give the Creditor the easiest and cheapest Method of gaining, (in case of the failure of the Debtor) what he has left to make the Loss and Trouble the least Inconveniency by any such Accident.

AND that the decayed Debtor may not live upon the Substance of his Creditor, it may be enacted, that if he suffer himself to be denied, or is arrested for any just Debts in more than two or three Writs or Actions, to the amount of 100 l. he may be deemed as a Bankrupt; and the Creditors to have a Warrant granted by a Master in Chancery (or other Person authorized for that purpose) for seizing his Person and Effects, to detain him and them in Custody of a Messenger,

senger, or in the *King's Bench* or *Fleet*, until he gives Security for the payment of his Debts, or assigns and makes a fair Discovery of his whole Effects, which being justly complied with, the said Master to be empowered to give him a Licence to protect him from the rest of his Creditors, and to allow him out of his Effects 5 *per Cent.* provided two of the principal Creditors think it reasonable, to support himself until he can get into Business again.

AND herein Credit will be preserved; for he may then go into Trade without incumbrance; and whoever thinks it proper to give him Credit, (which is always discretionary) will be sure that the Effects he is intrusted with, will not be applied to satisfy old Debts, which is too frequently the Case at this time. And if the Wisdom of the Legislative Power should not interpose to stop this growing Evil, the greater Loss must attend both Debtor and Creditor; for if the Debtor is not enabled to do all Creditors equal Justice in a fair proportion, he can't avoid the Charges that is absolutely necessary to be expended to preserve his Liberty as long as he can, rather than be locked up in a Jail, tho' with the expectation of an Allowance of Two Shillings and Fourpence *per Week*, which can't be obtained, as the Law now subsists, without too much expence, and lying many Terms in Prison; which is now the Misfortune of many Persons in the several Jails of this Kingdom.

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No doubt it was expected by the late Act, to induce the Debtors to make a fair surrender of their Effects, that they should immediately reap the Benefit of the said Allowance. But that good Act has been construed otherways, and the Creditor has two Terms to deliver a Declaration of his Debt, and two Terms more before he need charge him in Execution; and until that time, the Debtor (if he would) can't deliver up his Effects to be intituled to the Allowance; and even then, another Term is allowed the Creditor to make an Objection to the Debtor's Schedule of his Effects, without assigning any particular Reason for such Objection; so that if the Debtor's Substance is not considerable, it is spent in Law and in Jail before the Creditor can reap any Benefit: Besides, the Schedule and Effects thus delivered up, does not free him from being arrested or detained in Jail by other Creditors; so that where two or three Creditors concur together, the Debtor may be detained in Confinement many Years without Relief; and the first oppressive Creditor possessed of his Effects, who may on that Condition withdraw his Execution for another to keep him in Custody, either out of Prejudice for not having a Share of the Effects, or by Art and Management of the first Creditor, by purchasing a negotiable Note of the Debtor, to detain him thereby in another Name.

WHICH makes it very necessary, I presume, that the Legislative Power should explain

plain the late Act, or make an effectual Law for the Aid of the Creditor as well as the Relief of the Debtor, to encourage him to give up his Effects, in a just proportion, to all his Creditors; and herein will they do Justice and shew they love Mercy.

MANY parts of Scripture recommend and command Acts of Mercy and Compassion to one another, but this degenerate Age have but little regard thereto; so that whoever considers the Matter seriously, must be of Opinion that this Duty can have no Success, unless the Legislative Authority interpose to help, direct and encourage the same.

AND it is upon such Occasions hoped, that they will exert their Power, and interfere between Debtor and Creditor, with its Care and Wisdom to enact a Law for the mutual Advantage of both: And where the Debtor should be found deficient of making a fair Discovery of his Effects, and refuse the Assignment thereof for the Benefit of his Creditors, or any other Way be found unjust, that he should be deemed as a Felon, and suffer Death by Law accordingly.

BY such a Law the Jails would be free from many miserable Objects, where, for want of Employment, are too often learnt Habits of Idleness and Vice, and by conversing with the Prophane are taught by Art and Necessity to practice other Wickedness, and so become a useless and burthen-
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some Society, when their Substance and Credit, by a long Confinement, is thereby exhausted.

LET the judicious Part of Mankind compute the Number of Prisoners confined by Creditors, how few of them reap any Advantage thereby, or even procure from such unfortunate People, the Expence they must necessarily be at, to put and keep such in Jail, and, I believe, it will appear upon the whole, that more Money is expended in Law on such, than is afterwards recovered from them; for when once the Debtors become unable to serve themselves they are deserted by their Acquaintance: And tho' some few may be able to do something by the assistance of their Friends, or out of what little Effects they may have left, yet it no ways answers the Trouble, or is equivalent to the Loss and Inconveniency that by such Oppression attend the Traders in general.

FOR if they had accepted what was proposed to them before such Confinement, it will appear, upon a modest Computation, to amount to greater Value than they do afterwards receive. And as it is the Case, I hope it is consistent with Justice, Reason and Policy, for the Legislative Authority to enact such Laws as shall be for the Good of the Publick, without regard to the narrow and selfish Views of some sordid unmerciful Men.

THE *Hollanders*, in all their Councils and Resolutions, have studied the necessary Encouragement for the industrious Traders; their care of Traffick has proceeded all other Thoughts; by which means they are now become a rich, numerous and wealthy People.

AND since we have a Precedent of the good Effects which is produced by lessening the Burthen of the afflicted, why should not we imitate their Example, and add Strength by Numbers of Men, Industry, advantageous Situations, good Ports, skill in Trade and Maritime Affairs, with a good annual Income from the Earth to increase the Riches of our Country.

OPPRESSION is contrary to all Rules of Christianity and Policy, as well as the practice of our Neighbours (who visibly thrive by such Lenity); it will be but common Prudence to encourage Trade here in like manner.

IF the omission of relieving the Afflicted, cloathing the Naked, visiting them in Sickness and in Prison, be so heavy a Crime, how much greater must it be on those who are the immediate Actors in the Oppression, and glory in having Power to afflict the Afflicted?

Is it reasonable such unlimited Power should be placed in the Hands of such unreasonable Men? For, as the Case now stands,

a Felon under transportation is upon a better Footing than the unhappy Debtor. A period of the Felon's Captivity is known to him; but the Debtor must wait the capricious Humour and Inclination of his Creditor, who often pretends to have more Cause than others to be angry, to justify his Oppression on different Accounts in the manner of the Debt contracted, and will hear of no Excuse how the same has been unadvisedly employed or expended; which might be remedied in his future Conduct.

It is only the unfortunate and fair Debtor that merits Compassion, and for them only the Wisdom of the Legislative Power is wanting to execute what his Majesty, the Lords and Commons, out of their great Goodness, have been pleased to shew an Inclination to do, by the late Acts passed, which, is hoped, will meet with the concurrent assistance of every one for Amendment, when desired upon such Terms only as shall be thought most for the Profit and Incouragement of Trade, and the Interest of the Nation in general.

To contrive for the Publick Good, (and the Poor in particular) ought not only to be the Care of those to whom the Administration of Affairs is committed, but all private Persons should bend their Study the same Way: And whoever has employed any of their Time and Thoughts in considering the Misfortunes of others, and the cause of them, if they have gained any Knowledge
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either by Study or Experience, should offer it to the Publick, since thereby, at least, they may furnish Materials, and give some Hints for abler Heads to work upon and improve to the Nation's Profit, which is the Design hereof.

MANY may imagine they owe no more to their Country than to fight in its Defence, to pay the Prince his Dues, and to be Just to one another: 'Tis true, these are Virtues absolutely necessary and convenient; but a great deal more than all this is necessary to make a Country flourish. Wholesome Laws, and a Protection of every Branch of Trade, as well as particular Incouragement to an industrious People, will increase its Inhabitants, and the Wealth of a Nation, to which every unhappy Debtor may contribute (if at liberty) in one respect or other, instead of being buried alive in a Jail; where many at this Time remain for want of the necessary Aid to superseed their Writs or Actions, and pay the high Fees of the Courts of Justice.

It would add to the Honour of our Country, which boasts of Liberty, Riches, &c. that some of the Lawyers, who have gained part of their Estates out of the Misfortunes, or by the Disputes of their Fellow-Creatures, should have Compassion to appropriate some part of their Time (or order their Clerks) to solicit and superseed the Writs and Actions of Prisoners, and thereby extricate many of such unfortunate People out of Confinement, which

which in many Cases only want such Assistance to obtain their liberty.

BUT such is the Misfortune of the unhappy Debtors, that unless they can raise Fees demanded for their Attendance, and at the Courts of Justice, they must waste away their time in Obscurity, and be rendered incapable to provide for themselves and Families.

WOULD it not be consistent with Honour, Justice and Charity, that where a Prisoner has not Effects of his own to raise Twenty Shillings, that all Fees and Stamps in any Courts of Justice at Common Law, (as it is in the Court of Chancery) should be forgiven him; as also the Fees of Prison where so much Poverty really appears; and the Court wherein his Cause is or should be try'd, to order an Attorney to solicit his Discharge when the Creditor omits Proceeding against him, which he should be obliged not to delay, (where a Person is in Custody) longer than six Days, and to give the Allowance or Discharge as soon as the Debtor submits to surrender his Effects to him, to be applied amongst all the Creditors according to Equity.

THE giving Bail to Actions and Writs have been found so very hazardous to Persons that have engaged for their Friends by the artful Management or Mistakes of Attorneys employed, that it is become dangerous to serve any Friend therein. So that
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the Prisons are yet crouded; which make it absolutely necessary some good Remedy be put in practice for the Creditors better Security as well as for the Debtors speedier Relief. For how many Creditors have lost their Debts by harassing and hurrying the Debtor into Confinement, which, by a little Indulgence, might have been prevented, by the assistance of Friends, or otherways, which cannot be obtained afterwards, when the Debtor is deprived from negotiating his own Affairs then in disorder; which frightens many from contributing their Aid, especially when the Debtor's Credit is broke, that can't be then restored but by a payment of his Debts, or a free discharge of his Incumbrances to that time.

ANOTHER great Hardship attends the unhappy Debtor. If he is arrested, unless the Officers and Sheriff's Clerk approve of the Bail, tho' they be good reputed Housekeepers, and of Substance, they are not to be accepted, without such Officers and Clerks first find an Advantage over and above the common Fees, for with them and the inferior Courts no Justification will be taken to pass such Bail, nor can the Debtor have any Remedy of their Hardship without a greater one, by going into Custody and moving himself by *Habeas Corpus* before one of the Judges, attended with a great Expence, and even then if it happens to be Vacation time, the Creditor or Attorney against him must have notice of the Bail proposed; and if they don't approve and consent thereto, the Judges, accord-

according to the Practice of the Court, can't take such, tho' they would justify, and are well known to be good. And all this Vacation the Debtor must remain confined until the Term; yet then, if any two Persons that will swear themselves House-keepers, and worth the Debt, shall be accepted, though they may be worth nothing; which is too well known to be the Practice in prejudice to the Creditor. Therefore this evil Practice is very necessary, I presume, to be amended for the Benefit and Safety of the Creditor, as well as the Ease of the Debtor; for the Expence of a *Habeas Corpus*, and Charges thereon, in removing a Prisoner from the *Compter* to the Judge's Chamber, or the inside of the *Fleet*, amounts to a considerable Sum by the high Fees taken in the *Sheriff's Court*; for if the Writ or Action be entered by the same Person and Sum, in both Offices a return is made of them, and Fees taken respectively, and without or with expedition Money, several Days is taken up in making a return of the *Habeas Corpus*, which makes the Attorney's Bill for Attendances and Expences run high; which can't be remedied without much trouble and expence in summoning the respective Parties before a Judge; also reap a Profit in the Summons, without regard to the Poverty of the Prisoner.

If the Committee of Justice appointed by the Honourable *House of Commons*, took the trouble to inspect into the Hardships and unreasonable Proceedings of the Courts of Law, it might have its desired Effect,
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in redressing many grievous Oppressions therein.

THE Law is or should be founded on Reason and Religion, and not to be made a Trade of. But the late Practitioners have by Art, out of sinister Views, in many Cases corrupted the Intentions thereof; and, by a long Practice therein, are become habitual, which will require much Care and Trouble to regulate; but every little Step taken to remove any oppressive Part thereof, lessens so much Burthen of the People; and, in process of time, the Nation may find the Benefit of such a Regulation, and encourage further Progress therein.

IT is to be feared, the Conditions now given to the Debtor for his liberty by such who do not think proper to allow him Two Shillings and Four-pence *per Week*, will not answer the End of the Creditor, by making his future Acquisitions liable, because it checks his Credit, and discourages his Endeavours; for who will trust a Person stript by his Creditors, and naked out of Jail, liable to be harassed and ruined at Law by a litigious Creditor, to give a particular Account of his acquired Profits in trade.

If the Debtor is honest, and would retrieve his Credit, he will, when he is able, make Restitution without that Compulsion; and if he is not honest, he may trade and invest his Effects in other People's Name: So that as the Law is now in force, I am apt

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to believe few Creditors will reap any Advantage thereby, but many honest Dealers may be deprived of making use of a Credit that would otherways have been given them, and they must be forced to submit to any servitude of the Trade, and thereby prevented extending their Faculties, which Experience might have improved, or in lieu of such Servitude, fly to foreign Parts to exercise some Branch of our Manufacturies, to the Nation's great Prejudice.

THE Escape Warrant Act no Ways answer any Benefit to the Creditor; which was procured by the particular Interest and Application of the late Lord Chief Justice *H—t*, in resentment against a Debtor who used to appear before his Lordship on a *Sunday* (tho' a Prisoner in the *Fleet* at his Suit); but he never could execute the Penalty of the Act on him, or recover his Money; but it was remarked as an immediate Hand of Providence, that the first Person who was taken by an Escape Warrant, and carried to *Newgate*, was a Nephew of his Lordship's. And it was a great Concern to his Lordship before his Death that he had obtained the said Act; for his Lordship was sensible that when a Debtor had given Security to the Warden of the *Fleet*, or the Marshal of the *King's Bench*, for his forthcoming on demand, it was equivalent to Bail to the Sheriff or before a Judge. And if before Execution the Debtor could any Ways sculk Abroad in hopes to effect something, to make his Creditor a payment, or get some Substantance,

Subſiſtance, where was the Damage to the Creditor? Does the payment for a *Day-Rule* better his Security? No; on the contrary it diminifhes the Debtor's Subſtance, and makes him leſs able to make the Creditor ſatisfaction; and many Perſons who can't ſpare ſo much Money to go Abroad, or are afraid of *Newgate*, or cloſe Confinement in other Jails, are deprived from their Endeavours to ſolicit Aſſiſtance to extricate themſelves; therefore it may be hoped to ſee ſo pernicious an Act made void.

AND in the lieu of the ſaid Act, if only *One Shilling* was taken for a *Day Rule*, and to be made *Felony* for any Perſon bailed, or Priſoner upon Rule, to abſcond or not ſurrender, when required, according to the Tenor of his Bail-Bond, to the Perſon or Perſons who were his Security for ſuch Appearance; it would be better for the Creditor, and an eaſe to the fair Debtor.

MANY Perſons are ſo poor in Jail, that they can't raiſe Money to pay the Judge or his Clerks, and other expences, the Coſt of a *Superſedeas*; and for want of ſo much Money, the Priſoner muſt remain under the greateſt Hardſhip and Confinement; nor can he get a Copy of his Cauſes without Money beforehand for the ſame.

It were to be wiſhed, for the Honour of the *Britiſh* Nation, that better Salaries were ſettled on the ſeveral Judges for the great fatigue they undergo in the Diſcharge of that

high Duty, as well as in Consideration of their relinquishing the Bar, where they might have improved their Fortunes, more considerably: And by allowing them a Salary adequate to their Fees, the poor Prisoners to be exempt from paying any; it being very hard on them now to pay a Fee for every surrender into Jail, as well as for every discharge by a *Supersedeas*; when many times the Creditor receives nothing, but forgives the Debtor.

IN *Holland* Prisoners pay no Fees to the Judge, Sheriff's Officers or Keepers; and it would, I believe, be better for this Kingdom, if our Judges and Keepers were wholly supported at the Nation's Charge, instead of obliging the miserable and distressed to contribute to their Grandeur.

ACCIDENTS to produce Misfortunes attend Empires, Kingdoms and Principalities, as well as private Persons; and no Nation in the fluctuation of Affairs is exempted. But when these great Powers labour under any Difficulties, they apply a Remedy by force of Arms, useful Treaties, or Application of Money, to restore their Honour and Credit; but the unhappy Debtor being deprived of his Substance, loses his Friends, and is neglected by his Lawyers, and can apply no Remedy for his Relief but from the Sanction of the Law of the Nation, designed for the support or removal of the Oppressions of the afflicted, whose Substance and Credit may have been sacrificed by heavy
Taxes,

Taxes, decay of Trade, or depredations made on his Effects Abroad, or, in Consequence thereof, have suffered; therefore it may be hoped such Persons merits the Compassion and Assistance of the Laws of the Nation to which he subjects himself, in order to enable him to extend his Faculties for the good of his Country, in promoting Trade in general, or some useful Branch of it. And as a Nation may become Bankrupt, I conceive the best Method to prevent it, is to incourage and promote the just Interest of every Member therein, by whose Industry and Riches the Government is supported.

In the foregoing I have endeavoured to set forth some Observations that may be useful to the Publick, and, when read by Persons of Authority and Capacity, may be improved to the Benefit and Relief of some Part of Mankind; for many have been above twelve Months confined without being able to extricate themselves, on any Terms, in their Power, or procure the Allowance of Two Shillings and Four pence *per Week*, granted by the late Act of Parliament, without any Distinction, whether great or small Traders; so that a Cocker, or any other Mechanick, detained in Prison in the Common Ward with the said Allowance, together with his Occupation and common Gifts of Charity, by paying no Rent, Firing and other Conveniencies, may live better in Prison than Abroad; but it is not so with the Gentleman, the Merchant and the Shop-keeper, who, to avoid being crouded among
the

the Commonalty, pay for a Bed to themselves as long as they can.

THE honourable and worthy Committee of the *House of Commons*, who took so much Pains to do their Country service in regulating Abuses in Jails, will, it is hoped, proceed further therein, and consider the Hardships of those who are rendred incapable to help themselves : for the obstinacy and imprudence of Creditors forcing their Debtors into Confinement, is a great Loss to both. And by experience it may be proved, that if many had not been harassed and distressed by impatience they might have improved their Estates, sold their Effects, and recovered Debts to have produced more than would have paid them, and have had a competent Fortune left to have extended in trade, or other Improvements, to the Profit of themselves and Country; but feeling the heavy Oppression of their Creditors, (on the unreasonable expectations that Relations or Friends would extricate them, in which both Ability or Inclination is commonly wanting) they are rendred incapable to help themselves, much more to earn any thing to make them a payment.

THE Severity of Creditors to their Debtors have forced many to go to foreign Parts, out of the reach of their Cruelty, with their Effects, and established the Woollen and other Manufacturies Abroad, to the great Prejudice of the Nation in general; and, I presume, can't be prevented but by granting Indulgence and Protection at home to the unfortunate

nate Trader under such Restrictions as may discourage the Exportation of our Wooll to other Countries, where the greatest Incouragement is given to all Manufacturers, &c.

THE fatal Year of 1720. and Consequences thereof, will be felt many Generations; the Estates mortgaged, Bonds given, and Debts then contracted, will require a great length of Time to extinguish; for many Families languish under heavy Oppressions arising from the *South-Sea* Scheme, and other Projects: And it is yet unknown who received private Wounds in their Fortunes at that time not yet healed; which stagnates Credit, and puts a check and discouragement to many Traders; so that the sooner any Method is established for healing the sick and weary Debtor, the sooner will true Credit revive, and Traffick flourish, to the Honour and Welfare of the Nation in general.

F I N I S.

N. B. *Any Person that is pleased to communicate what may be serviceable herein, are desired to send a Letter directed for the Author, Mr. Philips, to be left at the Rainbow Coffee-house, Fleet-bridge.*



